

## Agricultural Marketing Service, USDA

## § 1218.61

(b) No program, plan, or project shall be implemented prior to its approval by the Secretary. Once a program, plan, or project is so approved, the USACBC shall take appropriate steps to implement it.

(c) Each program, plan, or project implemented under this subpart shall be reviewed or evaluated periodically by the USACBC to ensure that it contributes to an effective program of promotion, research, or information. If it is found by the USACBC that any such program, plan, or project does not contribute to an effective program of promotion, research, or information, then the USACBC shall terminate such program, plan, or project.

(d) No program, plan, or project including advertising shall be false or misleading or disparaging another agricultural commodity. Blueberries of all origins shall be treated equally.

[65 FR 43963, July 17, 2000, as amended at 66 FR 37119, July 17, 2001]

### § 1218.55 Independent evaluation.

The USACBC shall, not less often than every five years, authorize and fund, from funds otherwise available to the USACBC, an independent evaluation of the effectiveness of the Order and other programs conducted by the USACBC pursuant to the Act. The USACBC shall submit to the Secretary, and make available to the public, the results of each periodic independent evaluation conducted under this paragraph.

[65 FR 43963, July 17, 2000, as amended at 66 FR 37119, July 17, 2001]

### § 1218.56 Patents, copyrights, trademarks, information, publications, and product formulations.

Patents, copyrights, trademarks, information, publications, and product formulations developed through the use of funds received by the USACBC under this subpart shall be the property of the U.S. Government as represented by the USACBC and shall, along with any rents, royalties, residual payments, or other income from the rental, sales, leasing, franchising, or other uses of such patents, copyrights, trademarks, information, publications, or product formulations, inure to the benefit of the USACBC; shall be

considered income subject to the same fiscal, budget, and audit controls as other funds of the USACBC; and may be licensed subject to approval by the Secretary. Upon termination of this subpart, § 1218.73 shall apply to determine disposition of all such property.

[65 FR 43963, July 17, 2000, as amended at 66 FR 37119, July 17, 2001]

## REPORTS, BOOKS, AND RECORDS

### § 1218.60 Reports.

(a) Each first handler subject to this subpart may be required to provide to the USACBC periodically such information as may be required by the USACBC, with the approval of the Secretary, which may include but not be limited to the following:

- (1) Number of pounds handled;
- (2) Number of pounds on which an assessment was collected;
- (3) Name and address of person from whom the first handler has collected the assessments on each pound handled; and

(4) Date collection was made on each pound handled. All reports are due to the USACBC 30 days after the end of the crop year.

(b) Each producer and importer subject to this subpart may be required to provide to the USACBC periodically such information as may be required by the USACBC, with the approval of the Secretary, which may include but not be limited to the following:

- (1) Number of pounds produced;
- (2) Number of pounds on which an assessment was paid;
- (3) Name and address of the producer;
- (4) Date collection was made on each pound produced. All reports are due to the USACBC 30 days after the end of the crop year.

[65 FR 43963, July 17, 2000, as amended at 66 FR 37119, July 17, 2001]

### § 1218.61 Books and records.

Each first handler, producer, and importer subject to this subpart shall maintain and make available for inspection by the Secretary such books and records as are necessary to carry out the provisions of this subpart and the regulations issued thereunder, including such records as are necessary to verify any reports required. Such